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December 19, 2024

BY E.C.F.

Honorable Jennifer L. Rochon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Anees Hasnain, et al. v. City of New York, et al., 24-CV-6221 (JLR)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, representing defendant City of New York in this matter. Defendant City of New York writes to respectfully request that the Court grant an extension of time for the City, defendant Officers Allyson Echavarria and Nicholas Albergo, and all newly added defendants to answer, or otherwise respond to, the Amended Complaint, from December 26, 2024 to January 27, 2025. Counsel for plaintiffs, Remy Green, Esq., consents to this request. This is the City of New York's second request for an extension of time to answer, or otherwise respond to, the Amended Complaint. Defendant City previously filed a request to extend the time to respond to the Amended Complaint to the date when the response of the last newly added defendant who is served is due on December 5, 2024, and the Court granted the City's request.

By way of relevant background, plaintiff filed the Amended Complaint adding new defendant Officers Freddy Suazo, Gianfranco Rubino, Benjamin Beiro, Robert Livingston, Angel Amaya, Jason Castillo, Nicholas Noto, Nicholas Blake, Johnny Solorzano and Diana Schutz on September 18, 2024. (Dkt. No. 24). A review of the docket indicates that newly named defendant Gianfranco Rubino was served on December 5, 2024, and he was the last newly added defendant who was served. (Dkt. No. 31). The other newly added defendants were served on November 25, 2024. (Dkt. No. 34).

Given that there are 10 newly added defendants who have been recently served, the requested extension of additional time is necessary to allow this office time to investigate the allegations in the Complaint in accordance with its obligations under Rule 11(b) of the Federal Rules of Civil Procedure. We have requested relevant documents from the NYPD, but have not yet received sufficient documentation to properly evaluate the allegations in the Complaint. The additional requested time should permit this office time to collect records from the NYPD and medical providers in order to assess the claims and properly respond to the Complaint.

Pursuant to Section 50-k of the New York General Municipal Law, this Office must also determine, based on our investigation and a review of the case, whether we may represent the newly named officers, and they must then decide whether they wish to be represented by this Office. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). If so, we must obtain their written authorizations. Only after this procedure has been followed can we determine how to proceed in this case.

For the foregoing reasons, defendant City respectfully requests, with plaintiffs' consent, that the Court grant an extension of time for the City, defendant Officers Allyson Echavarria and Nicholas Albergo, and all newly added defendants to answer or otherwise respond to the Amended Complaint in this matter, from December 26, 2024 to January 27, 2025.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Joseph M. Hiraoka, Jr.

Joseph M. Hiraoka, Jr.

Senior Counsel

Special Federal Litigation Division

cc: By E.C.F.
All Counsel of Record